

REMARKS

In light of the following remarks, reconsideration and allowance of this application are respectfully requested.

At paragraph 2 of the outstanding office action, the examiner has rejected claims 1-3, 5, 8, 10, 11 and 13 under 35 USA 102(b) as being anticipated by US Patent No. 5,125,100 (Katznelson). Applicants respectfully traverse the rejection.

The Examiner first states that Katznelson discloses a “digital group delay compensation system.” Applicants disagree. Indeed, at column 21, lines 25 – 33, Katznelson states:

The system can also be used in standard CATV coaxial applications. However, the benefits will depend on group delay distortions in the system, as the optimal phase relationships may gradually deteriorate down the amplifier cascade. The signal of FIG. 3 may be representative of the waveforms used in this application wherein auxiliary carriers cannot be carried further downstream on the CATV network due to amplifier and coaxial cable bandwidth limitations.

Rather than providing a digital group delay compensation system, the reference admits that group delay distortions will degrade the benefits of the system. Therefore, the reference teaches away from the subject matter of the claimed invention.

The Examiner then asserts that Katznelson discloses a digital allpass filter. However, a review of the portions of the reference relied upon by the Examiner does not show such a filter. Mere assertion is not sufficient. Applicants respectfully request that the Examiner particularly point out those portions of Katznelson that teach the claimed invention.

Applicants therefore submit that Katznelson fails to disclose the claimed invention as set forth in claim 1. Furthermore, because claims 2-3, 5, 8, 10, 11 and 13 depend either directly or indirectly from claim 1, Applicants submit that the elements of these claims are similarly not shown by Katznelson. Applicants request that the rejection of claims 1-3, 5, 8, 10, 11 and 13 under 35 USA 102(b) be withdrawn.

At paragraph 4 of the outstanding office action, the Examiner has rejected claim 9 as being unpatentable under 35 USC 103(a) over Katznelson in view of Miller (US Patent No. 6,532,256). Applicants respectfully traverse the rejection.

Claim 9 depends indirectly from claim 1, and is patentable for this reason alone, and additionally as presenting an independently patentable combination in its own right. The addition of Miller fails to cure the defect of Katznelson noted above. Applicants therefore request that the rejection of claim 9 under 35 USC 103(a) be withdrawn.

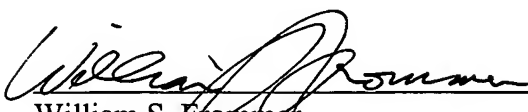
Applicants note with appreciation the indication that claims 4, 6, 7 and 12 include allowable subject matter. While Applicants agree with the Examiner's determination, because of the arguments noted above with respect to independent claim 1, Applicants decline writing these claims containing allowable subject matter in independent form at this time. Applicants reserve the right to do so in the future if desirable.

CONCLUSION

Applicants have made a diligent effort to explain why claims 1-13 are in condition for allowance, and notice to that effect is earnestly solicited. If the Examiner is unable to issue a Notice of Allowance regarding these claims, the Examiner is requested to contact the undersigned attorney to discuss any further outstanding issues.

Early and favorable consideration are respectfully requested.

Respectfully submitted,
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